

**MINUTES OF THE REGULAR MEETING OF THE  
SAN MARCOS PLANNING AND ZONING COMMISSION  
COUNCIL CHAMBERS, CITY HALL  
August 23, 2011**

**1. Present**

**Commissioners:**

Bill Taylor, Chair  
Sherwood Bishop  
Travis Kelsey  
Kenneth Ehlers  
Carter Morris  
Chris Wood  
Randy Bryan

**City Staff:**

Matthew Lewis, Development Services Director  
Sofia Nelson, Chief Planner  
Christine Holmes, Chief Planner  
Francis Serna, Recording Secretary

**2. Call to Order and a Quorum is Present.**

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Taylor at 6:00 p.m. on Tuesday August 23, 2011 in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

**3. Chairperson's Opening Remarks.**

Chair Taylor welcomed the audience.

**4. NOTE:** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*

**5. Citizen Comment Period**

Polly Wright, 1134 W. Hopkins Street stated that when Hopkins Street was created a Historic District there would be no more mixed use zoning. She pointed out that there are over 20 empty businesses in downtown. Ms. Wright felt that there is no need for additional businesses or anything else. There are currently plenty of apartments. She added that the city needs more single family residents for people to live and can afford. Ms. Wright stated she lives in a rent house and that many people live in rental houses. She asked the Commission to consider her comments. She said that the city has lost enough old houses and that they do not need any more businesses on Hopkins Street.

Nellie Gonzales, 232 Uhland Road, said that the idea of townhouses in the neighborhood is not the objection. It is the size and the height of the proposed townhomes. She stated Bobcat Village approved 7 years ago said that the traffic would not increase. Ms. Gonzales commented that traffic issues have become an issue since Bobcat Village was developed. She added that other concerns include 4 bedroom townhouses which will decrease traffic flow; increase traffic hazards; increase of on street parking; no green space or recreational area; decline in property values; possible increase in crime rate due to high density; excessive noise levels; the compatibility to the neighborhood. The adjacent property owners have proposed that townhomes be restricted to one story dwellings; a maximum of two non related persons living in each

townhome; decrease bedroom size from 4 to 2 or 3 bedrooms per unit; provide each townhome with a recreational area.

Steve Ramsey, Ramsey Engineering, 3206 Yellowpine Terrace, Austin, TX stated he was present on behalf of the applicant, Craig Coffee regarding the 512 Lockhart Street project. He stated that staff is recommending approval with the proposed changes. Mr. Ramsey stated that they have addressed some of the neighbor's concerns. He pointed out that there is no room to build amenities but that there is a neighborhood park two blocks from the property. Mr. Ramsey stated he was available to answer questions.

John McComb, 344 Meadow Lane, Martindale and a Pastor at San Marcos Community Church stated he was speaking regarding item sixteen. He thanked the Commissioners and Mrs. Nelson for the efforts in working with the applicant and making things work out.

Sylvia Boasi spoke on behalf of Debbie Gonzales Ingalsbe, County Representative, expressed her full support for the San Marcos Community Church. She stated that the church will be a great asset to the area and is completely supported by the neighbors. She commented that her commitment continues in supporting working with the city on development and transportation needs to improve the quality, safety and health to the public. She thanked the Commission for their consideration.

Camille Phillips stated she was present to support her neighbors on Hopkins Street and friends in the Mill Street Subdivision. She asked the Commission to please deny the zoning change request on Hopkins Street. She added that mixed use has a variety of uses that are allowed and are not compatible to the neighborhood. She said we need to preserve the few neighborhoods in San Marcos. Ms. Phillips also asked the Commission to please protect the Mill Street neighbors. She suggested that the Commission deny the request and consider the neighbors recommendations.

#### **Consent Agenda**

#### **6. Consider approval of the minutes from the Regular Meeting on August 9, 2011.**

**7. PC-11-30(03) (Promiseland Church - Final Plat).** Consider possible action on a request by Hunter Shadburne, on behalf of Promiseland San Marcos, Inc. for statutory denial of a final plat for approximately 20.27 acres of property located at 1650 Lime Kiln Road.

**MOTION:** Upon a motion made by Commissioner Bishop and a second by Commissioner Kelsey, the Commission voted all in favor to approve on consent the minutes of the Regular Meeting on August 9, 2011 and PC-11-30(03) as submitted. The motion carried unanimously.

#### **Public Hearing**

**8. PC-11-29(04) (Warren Subdivision).** Hold a public hearing and consider possible action on a request by HMT Engineering and Construction, on behalf of Falcon International Bank, to vacate and replat Lot 2 of the Warren Properties Subdivision, and Lot 1, Warren Properties Subdivision Number 2 and establishing Lots 1A and 1B of the Warren Properties Subdivision Number 3, San Marcos, Hays County, Texas, located at 600 Wonder World Drive.

Chair Taylor opened the public hearing. There were no citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Bishop and a second by Commissioner Wood, the Commission voted all in favor to approve PC-11-29(04). The motion carried unanimously.

**9. LUA-11-17 (500 blk. of Hopkins Street).** Hold a public hearing and consider possible action on a request by Frank Gomillion, on behalf of Joe Wissel, Edward Mihalkanin, Timothy Williamson, Richard Glaubinger, and Bernice Rainosek for approval of a Future Land Use Map Amendment from Low Density Residential (LDR) to Mixed Use (MU) on 1.1 +/- acres being 1/2 Lot 7, 1/2 Lot 6, NW 1/2 Lot 5, Part of Lot 4, Lot 3, Block 2, Lindsey & Harvey Addition, located at 511, 517, 519-525, and 537 W. Hopkins Street.

Chair Taylor opened the public hearing.

Ryan Perkins, 727 W. Hopkins stated he was present to speak regarding item 9 as well as the Hopkins Street rezoning. As a resident on Hopkins Street, he stated his concern is once properties change hands. He pointed out that there is only so much weight that the Historic Preservation Commission holds. Mr. Perkins also stated he is concerned with a domino effect on Hopkins Street. He pointed out that Hopkins Street is a historic gateway to the community, as well as Belvin and San Antonio Street. Mr. Perkins spoke in opposition to the request and asked the Commission to consider all that comes along with the request. He added that the neighbors are willing to work with the city and come up with an alternative plan on how we can make this work with all the residents along Hopkins Street.

Jean Baggett 726 W. Hopkins, all homes requesting a zoning change are owner occupied homes and are zoned Low Density Residential which is part of the neighborhood. She said that the issue is that it is not one house but five homes in a row which is the entire 500 block of Hopkins Street. She pointed out that they are losing an entire block of their neighborhood to commercial. Ms. Baggett added that we need to draw the line to keep neighborhoods as they are with homes and families. She pointed out that Hopkins Street residents have met three times with Transportation Department to go over plans for Hopkins Street. She said they are going to lower the speed limit, limit weight restrictions on vehicles, and enhance the historical significance of the street. Ms. Baggett said that the zoning change will affect the general welfare of the neighborhood. She asked the Commission to vote no to the zoning change request. Please vote no for zoning change.

Allie Ackerman, 835 Hopkins quoted from the San Marcos Historic District Website. She added that Hopkins Street is the gateway to San Marcos and needs to be preserved. She asked the Commission to vote in opposition of the rezoning of Hopkins Street.

Greg Powell 1103 W. Hopkins stated that he concurs with the concerns stated during the meeting. Mr. Powell does not want to see property values decrease. He appreciates what the Historic Preservation does but feels that they do not have the police power.

Michael O'Conner, 612 Franklin spoke regarding items 9-14 Hopkins Street rezoning. He explained that he noticed there are six to seven buildings on Hopkins Street that are for lease. In addition there are plenty of buildings open for business in the downtown area. Mr. O'Conner spoke against the Hopkins Street zoning requests. He said we should hold on to what we have for our history of San Marcos. Mr. O'Conner would like to see the Historic District stay as it is.

Amy Meeks, 832 Belvin stated that she believes that the vote of the Commission makes a crucial difference on the town. She pointed out that she recently got off of the Historic Preservation Commission and sometimes the Historic Preservation Commission does not know the full process. She asked the Commission not to vote and allow the neighbors to have a discussion regarding the request. Ms. Meeks stated she is speaking in opposition of the request and is willing to speak more about the request.

Carl Brown 834 W Hopkins stated his home was built in 1909 and have had a number of people that have lived there before and come back and are trying to preserve the homes. He felt that there is a lot of history in the homes in the area. He feels that he needs to be a good steward of the history in his home and wants the Commission to do the same. Mr. Brown stated that he concurs with his neighbors comments. He said he noticed that traffic on Hopkins towards Wonder World Drive is backing up in front on his house at certain times of the day. He asked the Commission to push for the neighborhood and city staff to work together before action is taken.

Sean Welch, 529 Harvey, spoke in opposition to the request. He stated that the request does not bring any benefit to the Historic District or any of the surrounding neighborhoods. Mr. Welch said the neighborhood is a single family walk able community where you can walk anywhere for the amenities that one needs. He added that Hopkins is a very busy street, narrow and with many children, pets and families. He asked the Commission to vote no on the zoning change request.

Bridget Phillips, 529 Harvey stated her main concern is the property located at 537 Hopkins regarding entering and exiting the property. She is concerned with safety hazards and feels that people are encroaching in their neighborhood. Ms. Phillips stated that rezoning Hopkins will not make it pedestrian friendly and will not enhance the neighborhood. She stated that Hopkins residents can already walk or bike to downtown stores.

Karen Brown, 834 W. Hopkins, resident for over 30 years and have seen the neighborhood change. She asked the Commission not vote on the request. She said she concurs with what all the neighbors have said. Ms. Brown said they would like very much to work with the applicant and owners of the property. She added that if the properties are combined it will be detrimental to the neighborhood. She feels that the neighbors have been planning with the city to keep the historic value on Hopkins Street. Let's change for the better and not piece meal the neighborhood.

Michael Paynter 503 Harvey resident for 10 years stated that Harvey Street is a very narrow. His concern is that businesses on Hopkins will park on Harvey Street. Mr. Paynter said he is not speaking for or against the request but asked the Commission to consider how the change will affect people in the surrounding neighborhoods.

Frank Gomillion, applicant on behalf of property owners stated that there was no intent to raise this amount of concern and neighborhood opposition. He said his experience with the city is that they want to avoid spot zoning. He felt applying for multiple zoning changes would be welcomed. Mr. Gomillion stated that the city responded well and agreed with the City's comments. He explained that the business he currently is in GKZ Architect was an old building which was renovated so that his partner, Jeff Kester, could live and work in the same place. Mr. Gomillion stated that this is the intent of the zoning change. Mr. Gomillion said he was happy to answer questions.

Ed Mihalkinan, 517 W. Hopkins explained that the neighborhood has been fairly stable, but what is physically there has stayed the same in the last 21 years. Mr. Mihalkinan stated that he has no intention of tearing down a home that he has ever owned. He added that he is deeply committed to the neighborhoods of this town. Mr. Mihalkinan stated that he has no intention in knocking down his home. He would like to have mixed use zoning like the property across the street, GKZ Architects.

Bernice Rainosek, owner of 537 W. Hopkins, which is a double lot and has a drive through to Harvey Street. She stated that she has no intent to sell or tear down the property. Bought property 12 years ago and was MF-4. Ms. Rainosek said all she is asking is the flexibility to change zoning back to what it originally was which is MF-4 and allow her to have an office downstairs where she resides or possibly a bed and breakfast. Ms. Rainosek pointed out that commercial zoning is across the street.

There were no additional citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Bishop and a second by Commissioner Bryan, the Commission voted two (2) for and five (5) against to deny LUA-11-17. The motion to deny failed.

**MOTION:** Upon a motion made by Commissioner Ehlers and a second by Commissioner Kelsey, the Commission voted five (5) for and two (2) against to approve LUA-11-17. The motion to approve carried.

**10. ZC-11-23 (511 W. Hopkins Street)** Hold a public hearing and consider possible action on a request by Frank Gomillion, on behalf of Joe Wissel for approval of a zoning change from SF-4.5 Single Family Residential to Mixed Use (MU) for 0.19 +/- acres being ½ of Lot 7, Block 2, Lindsey & Harvey Addition 12-26, located at 511 W. Hopkins Street.

Chair Taylor opened the public hearing. Frank Gomillion, GKZ Inc., 516 W. Hopkins staff has done their due diligence and asked that the Commission approve the request. There were no additional citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Ehlers and a second by Commissioner Kelsey, the Commission voted five (5) for and two (2) against to approve ZC-11-23. The motion to approve carried. Commissioners Bishop and Bryan voted no.

11. **ZC-11-24 (517 W. Hopkins Street)** Hold a public hearing and consider possible action on a request by Frank Gomillion, on behalf of Edward Mihalkanin for approval of a zoning change from SF-4.5 Single Family Residential to Mixed Use (MU) for 0.198 +/- acres being ½ Lot 6, Block 2, Lindsey & Harvey Addition 12-26, located at 517 W. Hopkins Street.

12. **ZC-11-25 (519-525 W. Hopkins Street)** Hold a public hearing and consider possible action on a request by Frank Gomillion, on behalf of Timothy Williamson for approval of a zoning change from SF-4.5 Single Family Residential to Mixed Use (MU) for 0.1908 +/- acres being NW ½ Lot 5, Block 2, Lindsey & Harvey Addition 12-26, located at 519 - 525 W. Hopkins Street.

13. **ZC-11-26 ( 531 W. Hopkins Street)** Hold a public hearing and consider possible action on a request by Frank Gomillion, on behalf of Richard Glaubinger for approval of a zoning change from SF-4.5 Single Family Residential to Mixed Use (MU) for 0.203 +/- acres being Part of Lot 4, Block 2, Lindsey & Harvey Addition 12-26, located at 531 W. Hopkins Street.

14. **ZC-11-27 ( 537 W. Hopkins Street)** Hold a public hearing and consider possible action on a request by Frank Gomillion, on behalf of Bernice Rainosek for approval of a zoning change from SF-6 Single Family Residential to Mixed Use (MU) for 0.35 +/- acres being Lot 3, Block 2, Lindsey & Harvey Addition 12-26, located at 537 W. Hopkins Street.

Chair Taylor opened the public hearing for ZC-11-24; ZC-11-25; ZC-11-26; ZC-11-27.

Ed Mihalkanin, 517 W. Hopkins stated that he respects everyone's votes. He commented that the Commissioners are voting their conscious and what's the best interest of the community which he respects.

Bridget Phillips, 529 Harvey Street commented that the owner of 537 Hopkins states that she has no intention of selling the property but the future owners may change the intentions. She said that the property is a huge concern to her. In addition, there are huge traffic issues. Ms. Phillips said people are not interested in walking everywhere. She does not see the change as beneficial. Ms. Phillips would like the property owners to present a proposal of what they want to do with the properties. She encouraged the Commission to deny or postpone the request.

Bernice Rainosek, 537 W. Hopkins stated she has the double lot for residences. She said there should not be any changes to the property. Ms. Rainosek explained that the city has parking regulations for retail space and other uses. She added that parking also can define what could be allowed on the property. She asked the Commission to please consider the request.

Richard Glaubinger, 531 W. Hopkins said he has spent a lot of time remodeling the house and has no intention of tearing it down. He stated that his basic interest is to have his office downstairs. Mr. Glaubinger explained that he and Ms. Rainosek had the same intent and was advised that the city would not allow spot zoning. Therefore, he petitioned the other property owners. He pointed out that people who spoke in opposition are located outside the 200' buffer or tenants.

Sean Welch, 529 Harvey Street said he is not against building an office inside their house but he did not hear about the request until the day of the meeting. He asked the Commission not to approve the request. Mr. Welch said his concern is the longevity of future uses.

Kathryn Stone, 530 Harvey, homeowner stated that when they received the notice they did not know what the proposed change would be. She felt residents feared the change and not knowing what the long term goals are going to be. Ms. Stone said she loved the idea of multi use and could possibly one day have a home office in her current home.

Robin Harry, 503 Harvey Street said she didn't like that she didn't know what was going on until she received notice in the mail. Ms. Harry said she didn't understand why the requests could not have been submitted individually. She said she doesn't know what to believe and that they deserve a better explanation.

There were no additional citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Morris and a second by Commissioner Bishop, the Commission voted three (3) for and four (4) against to approve LUA-11-24; LUA-11-25; LUA-11-26 and deny LUA-11-27. The motion failed.

**MOTION:** Upon a motion made by Commissioner Ehlers and a second by Commissioner Kelsey, the Commission voted five (5) for and two (2) against to approve LUA-11-24; LUA-11-25; LUA-11-26; and LUA-11-27 as submitted. The motion carried.

**15. WPP2-11-10 (Holt Property)** Hold a public hearing and consider possible action on a request by Byrn & Associates, Inc., on behalf of Armbruster Holt, LTD, for a Qualified Watershed Protection Plan Phase 2 for reclamation of floodplain within a tract of approximately 36 acres at the northeast intersection of IH-35 and East River Ridge Parkway.

Chair Taylor opened the public hearing. There were no citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Bishop and a second by Commissioner Wood, the Commission voted all in favor to approve WPP2-11-10. The motion carried unanimously.

### **Consideration**

**16. PVC-11-03 (San Marcos Community Church).** Consider a request by San Marcos Community Church, on behalf of Texas Conference Association of 7<sup>th</sup> Day Adventists, for a variance to Section 6.7.2.1(j) of the Land Development Code which requires that lot depth shall not exceed three times the lot width for lots platted after March 10, 1975 for an approximately 22.99 acre tract out of the Rebecca Brown Survey in Hays County, Texas.

**MOTION:** Upon a motion made by Commissioner Wood and a second by Commissioner Bishop, the Commission voted all in favor to approve PVC-11-03 with a condition of dedication of up to two segments of right-of-way up to 65 feet in width at the time of platting in order to provide additional connectivity to the surrounding properties. The motion carried unanimously.

**17. ZC-11-22 (Lockhart Street- Discussion and Action).** Consider a request by Ramsey Engineering on behalf of Craig A. Coffee for a zoning change from Duplex Restricted (DR) to Townhome (TH) for approximately 1.10 acres, Lots 38, 39, and 50 of the AM Ramsay Subdivision, located at 512 Lockhart Street.

**MOTION:** Upon a motion made by Commissioner Morris and a second by Commissioner Ehlers, the Commission voted three (3) for and four (4) against to approve ZC-11-22 with conditions. The motion to approve failed.

**MOTION:** Upon a motion made by Commissioner Bishop and a second by Commissioner Kelsey, the Commission voted four (4) for and three (3) against to deny ZC-11-22. The motion to deny carried.

**18. PDD-11-06 (Lockhart Street- Discussion and Action).** Consider a request by Ramsey Engineering on behalf of Craig A. Coffee for a PDD overlay district for approximately 1.10 acres, Lots 38, 39, and 50 of the AM Ramsay Subdivision, located at 512 Lockhart Street.

**MOTION:** Upon a motion made by Commissioner Bishop and a second by Commissioner Kelsey, the Commission voted four (4) for and three (3) against to deny ZC-11-22. The motion to deny carried.

### **19. Discussion Items.**

Commissioner Bishop requested a power point and aerial map for future zoning change requests. He congratulated staff on the MyPermit Now software being approved by City Council.

Commissioner Morris suggested that Land Development Code sections be indicated on the staff reports. In addition he requested a report stating what land uses are permitted in zoning change requests.

### **Development Services Report**

- a) Update on the community vision session – Dream San Marcos.

Matthew Lewis gave an update on Dream San Marcos. He invited the Commission to logon to [www.sanmarcostx.gov/ideas](http://www.sanmarcostx.gov/ideas) and enter their ideas and view others. Mr. Lewis also invited the Commission to the Big Event on October 15 where citizens will present their ideas.

### **Commissioners' Report**


Bill Taylor stated he attended a Dream San Marcos visioning meeting. He said it is very interesting. The whole community is involved.

### **20. Questions and answers from the Press and Public.**


There were no questions from the public.

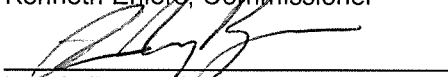
### **21. Adjournment**

Chair Taylor adjourned the Planning and Zoning Commission at 9:30 p.m. on Tuesday, August 23, 2011.

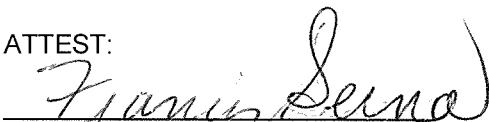
  
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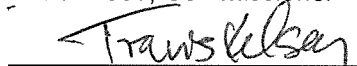
  
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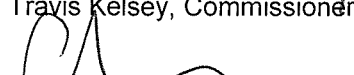
  
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Randy Bryan, Commissioner

ATTEST:

  
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Francis Serna, Recording Secretary

  
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Chris Wood, Commissioner

  
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Travis Kelsey, Commissioner

  
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